

1 Clay James (Bar No. 287800)
Stacy Hovan (Bar No. 271485)
2 HOGAN LOVELLS US LLP
4085 Campbell Avenue, Suite 100
3 Menlo Park, California 94025
Telephone: + 1 (650) 463-4000
4 Facsimile: + 1 (650) 463-4199
clay.james@hoganlovells.com
5 stacy.hovan@hoganlovells.com

6 Attorneys for Defendant
APPLE INC.

7
8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**
11

12 MARC OPPERMAN, et al.,

13 Plaintiffs,

14 v.

15 KONG TECHNOLOGIES, INC., et al.,
16 Defendants.

Case No. 13-CV-00453-JST

**STIPULATION AND ~~PROPOSED~~ ORDER
DISMISSING SPECIFIED CLAIMS AGAINST
APPLE INC. WITH PREJUDICE
[Fed. R. Civ. P. 41(a)]**

1 It is hereby stipulated between Plaintiff Stephen Dean (“Plaintiff”) and Apple Inc. (“Apple”),
2 through their respective counsel, that the above-captioned action be and is hereby dismissed, as
3 follows:

4 Plaintiff’s claims against Apple, excepting only those claims for aiding and abetting invasion of
5 privacy that were the subject of the Class Action Settlement Agreement (ECF No. 884) and that were
6 released by operation of that Class Action Settlement Agreement upon its final approval and entry of
7 judgment by the Court (ECF Nos. 925 and 931), shall be and hereby are dismissed with prejudice, each
8 side to bear its own costs and attorneys’ fees, pursuant to FRCP 41. Without limitation of the foregoing
9 and for the avoidance of doubt, this dismissal includes Counts Three, Four, Five and Six of the Second
10 Consolidated Amended Complaint.

11
12 Respectfully submitted,

13 Dated: April 26, 2018

KERR & WAGSTAFFE LLP

14 By: /s/ Michael von Loewenfeldt
15 James M. Wagstaffe (95535)
16 Michael von Loewenfeldt (178665)
17 Frank Busch (258288)
18 KERR & WAGSTAFFE LLP
19 101 Mission Street, 18th Floor
20 San Francisco, CA 94105
21 Tel.: 415-371-8500
22 Fax: 415-371-0500
23 wagstaffe@kerrwagstaffe.com
24 mvl@kerrwagstaffe.com
25 busch@kerrwagstaffe.com

26 David M. Given
27 Nicholas A. Carlin
28 PHILLIPS, ERLEWINE & GIVEN LLP
39 Mesa Street, Ste. 201
San Francisco, CA 94129
Tel: 415-398-0900
Fax: 415-398-0911
dmg@phillaw.com
nac@phillaw.com

Carl F. Schwenker (admitted *pro hac vice*)
LAW OFFICES OF CARL F. SCHWENKER
The Parsons House
3807 Duval, Ste. E
Austin, TX 78751
Tel: 512-480-8427
Fax: 512-857-1294

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

cfslaw@swbell.net

Jeff Edwards (admitted *pro hac vice*)
EDWARDS LAW
The Haehnel Building
1101 East 11th Street
Austin, TX 78702
Tel: 512-623-7727
Fax: 512-623-7729
jeff@edwards-law.net

Jennifer Sarnelli
GARDY & NOTIS, LLP
501 Fifth Avenue, Suite 1408
New York, NY 10017
Tel: 212-905-0509
Fax: 212-905-0508
jsarnelli@gardylaw.com

CLASS COUNSEL FOR PLAINTIFFS

Dated: April 26, 2018

HOGAN LOVELLS US LLP

By: /s/ Clay James
Clay James
Stacy Hovan
HOGAN LOVELLS US LLP
4085 Campbell Ave., Suite 100
Menlo Park, CA 94025
Tel.: 650.463.4000
Fax: 650.463.4199
clay.james@hoganlovells.com
stacy.hovan@hoganlovells.com

ATTORNEYS FOR DEFENDANT APPLE INC.

1 **FILER'S ATTESTATION**

2 I attest that concurrence in the filing of this document has been obtained from the other
3 signatories listed above.

4 Dated: April 26, 2018

KERR & WAGSTAFFE LLP

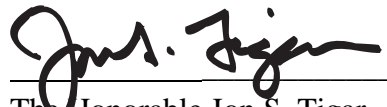
5 By: /s/ Michael von Loewenfeldt
6 Michael von Loewenfeldt
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 ~~PROPOSED~~ ORDER

2 PURSUANT TO THE STIPULATION, AND GOOD CAUSE APPEARING, IT IS
3 HEREBY ORDERED:

4 Plaintiff's claims against Apple, excepting only those claims for aiding and abetting invasion of
5 privacy that are the subject of the Class Action Settlement Agreement (ECF No. 884), shall be and
6 hereby are dismissed with prejudice, each side to bear its own costs and attorneys' fees.

7
8
9 Dated: April 27, 2018


The Honorable Jon S. Tigar
United States District Judge